

Index of Records

Attached Single Family Dwelling Ordinance 24-061 (ECAF 2024-1414)

Hearing Date: Wednesday, August 14, 2024 @ 10:30 a.m.

Council Staff: Ryan Countryman

DPA: Laura Kisielius

Click on exhibit number to view document

EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	01/23/24	Ryan Countryman, Council Staff	Briefing to Planning Commission: Attached Single Family Dwellings	11
2.0013	Letter	03/04/24	Planning Commission	Planning Commission Recommendation	2
3.1 ECAF and Materials					
3.1.001	ECAF	06/27/24	Council	Transmitting Councilmember initiated Ordinance	1
3.1.002	Ordinance	06/27/24	Council	Introduced Ordinance	11
3.1.003	Motion	01/03/24	Council	Motion 23-539	13
3.1.004	Introduction	06/27/24	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	07/02/24	Ryan Countryman, Council Staff	Council Staff Report	1
3.2.002	Minutes	07/02/24	Council Staff	Link to Minutes and Video of Planning and Community Development Committee 07/11/24	1
3.3 Correspondence, Comments, Testimony					
3.4 Staff Reports and Submissions					
3.5 Public Participation					
3.6 Council Deliberations					

Index of Records					
Project Name		Attached Single Family Dwelling			
Part 2 - PLANNING COMMISSION					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
2.0001	Public Outreach	1/8/2024	Planning Commission	Planning Commission Agenda (Briefing)	4
2.0002	Public Outreach	2/20/2024	The Herald	Affidavit of Agenda publication in The Herald (Briefing)	4
2.0003	Legislative Documents	1/8/2024	PDS Staff	Staff Report (Briefing)	11
2.0004	Public Outreach	1/8/2024	PDS Staff	Proposed Attached Single Family Dwelling ordinance	11
2.0005	Public Outreach	1/8/2024	PDS Staff	Council Amended Motion 23-539	2
2.0006	Public Outreach	1/18/2024	PDS Staff	Presentation (Briefing)	11
2.0007	Public Outreach	2/28/2024	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	6
2.0008	Public Outreach	1/24/2024	Planning Commission	Planning Commission Recording of Meeting (Briefing)	NA
2.0009	Public Outreach	2/13/2024	Planning Commission	Planning Commission Agenda (Hearing)	5
2.0010	Public Outreach	3/21/2024	The Herald	Affidavit of Agenda publication in The Herald (Hearing)	4
2.0011	Public Outreach	3/27/2023	Planning Commission	Planning Commission Written Meeting Minutes (Hearing)	8
2.0012	Public Outreach	2/28/2024	Planning Commission	Planning Commission Meeting Recording (Hearing)	NA
2.0013	Public Outreach	3/5/2024	Planning Commission	Recommendation Letter to County Council	2
<i>*Contact the Clerk of the Council for copies of part 2 Exhibits - 425-388-3494 or contact.council@snoco.org</i>					

1 ADOPTED: [REDACTED]
2 EFFECTIVE: [REDACTED]

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 24-061
7

8 RELATING TO GROWTH MANAGEMENT; FACILITATING ATTACHED SINGLE-
9 FAMILY HOUSING; ADDING A NEW SECTION 30.23.270 TO AND AMENDING
10 SECTIONS 30.41A.240, 30.41B.200 AND 30.91D.515 OF THE SNOHOMISH COUNTY
11 CODE
12

13 WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW,
14 establishes planning goals to guide development and adoption of comprehensive plans
15 and development regulations for those counties and cities planning under the GMA,
16 including Goal 4 related to housing (RCW 36.70A.020(4)); and
17

18 WHEREAS, the Washington State Legislature substantially amended the GMA
19 housing goal by passing Engrossed Second Substitute House Bill 1220 (ESSB 1220),
20 effective July 25, 2021, and which among other changes strengthened the goal from
21 “Encourage the availability of affordable housing to all economic segments of the
22 population” to “Plan for and accommodate housing affordable to all economic segments
23 of the population”; and
24

25 WHEREAS, in 2023, the Legislature passed Engrossed Second Substitute
26 House Bill 1110 (ESSB 1110), effective July 23, 2023, which, among other things,
27 included a finding that states:
28

29 Washington is facing an unprecedented housing crisis for its current
30 population and a lack of housing choices, and is not likely to meet the
31 affordability goals for future populations [...] innovative housing policies
32 will need to be adopted. Increasing housing options that are more
33 affordable to various income levels is critical to achieving the state's
34 housing goals, including those codified by the legislature under chapter
35 254, Laws of 2021 [ESSB 1220]. There is continued need for the
36 development of housing at all income levels, including middle housing....
37

38 WHEREAS, ESSB 1110 also enacted a new definition of middle housing in the
39 GMA that states such housing is “compatible in scale, form, and character with single-
40 family houses and contain[s] two or more attached, stacked, or clustered homes
41 including duplexes” and other housing types listed in RCW 36.70A.030(26); and
42

43 WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a
44 comprehensive plan and implementing codes and regulations related to land use and

1 development within the County’s jurisdiction that are consistent with the comprehensive
2 plan; and
3

4 WHEREAS, the County’s Growth Management Act Comprehensive Plan
5 (GMACP) includes the General Policy Plan (GPP) which contains policies that guide the
6 codes and regulations adopted in Title 30 of Snohomish County Code (“Title 30 SCC”);
7 and
8

9 WHEREAS, historically, county code allowed duplexes in urban single family
10 residential zones with a requirement that the minimum lot size for lots with duplexes
11 needed to be one and one-half times the minimum lot size for single family dwellings;
12 however, this changed for the R-8,400, R-9,600 and R-7,200 zones with adoption of
13 Amended Ordinance No. 16-044 on August 31, 2016, which removed the one and one-
14 half times minimum lot size requirement for duplexes; and
15

16 WHEREAS, the County Council concurs with the findings of the Legislature that
17 Snohomish County is experiencing a housing affordability crisis and that code
18 amendments to allow more middle housing and ownership options can be part of the
19 solution; and
20

21 WHEREAS, duplexes are a form of middle housing under RCW 36.70A.030(26);
22 and
23

24 WHEREAS, encouraging duplex development can help address the housing
25 affordability crisis; and
26

27 WHEREAS, in some situations, Snohomish County Code allows construction of
28 duplexes, but requirements related to minimum lot size prevents subdivision of the
29 building into two lots, thereby creating a situation where the only way to sell units in a
30 duplex is to convert those units to condominiums; and
31

32 WHEREAS, Snohomish County Code contemplates single family attached
33 dwellings as being a type of duplex where each half has its own lot; and
34

35 WHEREAS, the Snohomish County Council held a series of panel discussions
36 titled “Opening Doors to Home Ownership” on January 17, February 21, March 21, and
37 April 18, 2023, and during the fourth session discussed changing subdivision codes to
38 allow sale of each duplex half as a separate fee simple lot in situations where sales of
39 those same units can only happen only as condos today; and
40

1 WHEREAS, a duplex configured so that each half is on its own lot would be the
2 same thing as two single family attached dwellings under Snohomish County Code; and
3

4 WHEREAS, County Council staff briefed the Planning Commission on January
5 23, 2024; and
6

7 WHEREAS, on February 27, 2024, the Planning Commission held a public
8 hearing to receive public testimony concerning the code amendments contained in this
9 ordinance; and
10

11 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
12 Planning Commission recommended adoption of the code amendments contained in
13 this ordinance; and
14

15 WHEREAS, on _____, 2024, the County Council held a public hearing after
16 proper notice, and considered public comment and the entire record related to the code
17 amendments contained in this ordinance; and
18

19 WHEREAS, following the public hearing, the County Council deliberated on the
20 code amendments contained in this ordinance;
21

22 NOW, THEREFORE, BE IT ORDAINED:
23

24 **Section 1.** The County Council adopts the following findings in support of this
25 ordinance:
26

- 27 A. The foregoing recitals are adopted as findings as if set forth in full herein.
28
- 29 B. This ordinance will amend provisions in title 30 SCC to update regulations related to
30 development of attached single family dwellings. In particular, the amendments will
31 allow creation of subdivided lots in urban zones where code allows duplex
32 configurations but without subdivision that would meet the County's definition of
33 attached single family dwelling. This ordinance will also update the definition of
34 single-family attached dwelling to clarify that the distinction between side-by-side
35 duplex units and attached single family is the configuration for ownership purposes,
36 rather than a reflection of the development process.
37
- 38 C. In considering the proposed amendments, the county evaluated factors including the
39 need to meet GMA mandates to provide housing for all economic segments of the
40 population.

- 1
- 2 1. Snohomish County is facing an affordable housing crisis and housing stock
- 3 shortage. The purpose of the proposed amendments is to provide additional
- 4 means to diversify the County's urban housing stock.
- 5
- 6 2. The housing authorized by this ordinance would be generally attainable to middle
- 7 income households interested in owning a single family home where
- 8 opportunities to expand the Urban Growth Area to provide ownership
- 9 opportunities are limited.

10

11 D. In considering the proposed amendments, the County considered the goals and

12 standards of the GMA. The proposed amendments are consistent with:

- 13
- 14 1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of
- 15 undeveloped land into sprawling, low-density development.

16

17 This ordinance provides for infill development on sites in urban areas by allowing

18 subdivision of duplexes as attached single family dwellings. This expands the

19 options for how a developer may sell such units, creating incentive to develop

20 such housing. More development of attached single family housing would

21 increase overall housing production. It would also increase urban residential

22 capacity and reduce pressure to convert rural lands to housing.

- 23
- 24 2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all
- 25 economic segments of the population of this state, promote a variety of
- 26 residential densities and housing types, and encourage preservation of existing
- 27 housing stock.

28

29 Subdivision for fee simple ownership of attached single family homes will help

30 diversify the housing stock and promote ownership housing affordable to middle

31 income households. The ability to subdivide and sell halves of existing duplexes

32 may help in the preservation of such housing.

33

34 E. The proposed amendments will better achieve, comply with, and implement the

35 goals and policies of the Puget Sound Regional Council's Multicounty Planning

36 Policies (MPPs), including the following goals and policies:

- 37
- 38 1. MPP Housing Goal – The region will preserve, improve, and expand its housing
- 39 stock to provide a range of affordable, healthy, and safe housing choices to every

1 resident. The region will continue to promote fair and equal access to housing for
2 all people.

3
4 The proposed amendments will help to expand and improve the diversity of the
5 housing stock by reducing regulatory barriers to the construction attached single
6 family housing.

- 7
8 2. MPP-H-1 – Provide a range of housing types and choices to meet the housing
9 needs of all income levels and demographic groups within the region.

10
11 MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new
12 development — a sufficient supply of housing to meet the needs of low-income,
13 moderate-income, middle-income, and special needs individuals and households
14 that is equitably and rationally distributed throughout the region.

15
16 The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for
17 the construction of attached homes on subdivided lots that will be generally
18 affordable to middle-income households. These amendments do not inhibit
19 development of other types of necessary housing.

- 20
21 F. The proposed amendments will better achieve, comply with, and implement the
22 Housing Goal of the Countywide Planning Policies (CPPs), which provides:
23 “Snohomish County and its cities will promote an affordable lifestyle where residents
24 have access to safe, affordable, and diverse housing options near their jobs and
25 transportation options.” The proposed amendments will support the housing goal in
26 the CPPs by reducing regulatory barriers to the construction of attached single
27 family dwellings. This will help to diversify the housing options in urban areas that
28 are close to employment and transportation options.

- 29
30 G. In considering the proposed amendments, the county considered the goals,
31 objectives, and policies of the Snohomish County GMA Comprehensive Plan
32 (GMACP) – General Policy Plan (GPP). The proposed amendments will work to
33 support, implement, and balance the following goals, objectives, and policies in the
34 GPP:

- 35
36 1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed
37 UGAs.

1 Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the
2 majority of the county’s projected population, employment, and housing growth
3 over the next 20 years.
4

5 Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable
6 measures to increase residential, commercial and industrial capacity within urban
7 growth areas prior to expanding urban growth boundaries. The County Council
8 will use the list of reasonable measures in accordance with the guidelines for
9 review contained in Appendix D of the Countywide Planning Policies to evaluate
10 all UGA boundary expansions.
11

12 The amendments proposed by this ordinance would reduce regulatory barriers to
13 the construction of housing in urban areas. This is a reasonable measure that
14 increases residential capacity in UGAs thereby helping accommodate growth and
15 the maintenance of compact UGAs.
16

- 17 2. Objective HO 1.B – Ensure that a broad range of housing types and affordability
18 levels is available in urban and rural areas.
19

20 The proposed amendments reduce regulatory barriers to the development of
21 housing in urban areas, supporting the development of a broad range of housing
22 types and affordability. The development of attached single family dwellings on
23 smaller lots will provide different housing types and affordability levels in areas
24 with a lack of affordability.
25

- 26 H. The proposed amendments implement action items in the 2020 Housing Affordability
27 Regional Taskforce Report (the “HART Report”).
28

- 29 1. Action Item 1.A.4 provides: “Facilitate more efficient deal assembly and
30 development timelines / promote cost effectiveness through consolidation,
31 coordination, and simplification.” By allowing subdivision of attached housing
32 configurations that code already provides for but without subdivision, the
33 proposed amendments will facilitate more deal assembly and development site
34 consolidation by making more financing options available to the developer.
35
- 36 2. Action Item 1.A.6 provides: “Increase housing variety allowed at a range of
37 affordability levels in single family zones [...] including consideration of zoning for
38 duplex [and other housing types]”. The proposed amendments will comply with
39 action item 1.A.6 by revising Snohomish County regulations to facilitate the

1 construction of more duplexes as attached single family (i.e., subdivided)
2 dwellings.

3
4 I. Procedural requirements.

- 5
6 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
7 respect to this non-project action have been satisfied through the completion of
8 an environmental checklist and the issuance on February 6, 2024, of a
9 Determination of Non-Significance (DNS) for this non-project proposal to Amend
10 Title 30 Snohomish County Code (SCC).
11
12 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
13
14 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
15 transmitted to the Washington State Department of Commerce for distribution to
16 state agencies on February 6, 2024, and assigned material number 2024-S-
17 6857.
18
19 4. The public participation process used in the adoption of this ordinance complies
20 with all applicable requirements of the GMA and the SCC.
21
22 5. The Washington State Attorney General last issued an advisory memorandum,
23 as required by RCW 36.70A.370, in September of 2018 entitled “Advisory
24 Memorandum: Avoiding Unconstitutional Takings of Private Property” to help
25 local governments avoid the unconstitutional taking of private property. The
26 process outlined in the State Attorney General’s 2018 advisory memorandum
27 was used by the County in objectively evaluating the regulatory changes
28 proposed by this ordinance.
29

30 **Section 2.** The County Council makes the following conclusions:

- 31
32 A. The proposed amendments are consistent with the goals, policies, and objectives of
33 the MPPs, CPPs, and GPPs.
34
35 B. The proposed amendments are consistent with applicable federal, state, and local
36 laws and regulations.
37
38 C. The County has complied with all SEPA requirements with respect to this non-
39 project action.
40

1 D. The regulations proposed by this ordinance do not result in an unconstitutional
2 taking of private property for a public purpose.

3
4 **Section 3.** The County Council bases its findings and conclusions on the entire
5 legislative record, including all testimony and exhibits. Any finding which should be
6 deemed a conclusion, and any conclusion that should be a finding, is hereby adopted
7 as such.

8
9 **Section 4.** A new section is added to chapter 30.23 of the Snohomish County
10 Code to read:

11
12 **30.23.270 Attached Single Family Dwellings.**

13 In urban zones, a subdivision or short subdivision that includes attached single family
14 dwellings may meet the lot yield and bulk regulations for the zone in which it is located
15 pursuant to this section. Such subdivisions or short subdivisions may also include
16 detached single family dwellings and accessory dwelling units located on lots containing
17 a principal unit.

18 (1) Building site yield shall be an interim calculation before determining lot yield and
19 shall be computed as follows:

20 (a) Determine area of the site in square feet;

21 (b) Divide the area of the site by the minimum lot area for the zone under SCC
22 Table 30.23.032;

23 (c) The resulting quotient is the number of potential building sites; and

24 (d) The maximum number of building sites shall be determined by rounding up to
25 the next whole unit when a fraction of a unit is equal to five-tenths or greater.

26 (2) When converting building sites into proposed lots:

27 (a) Buildings with two single family attached dwellings count as one building;

28 (b) Single family dwellings (detached) count as one building; and

29 (c) Attached and detached accessory dwelling units do not count as proposed
30 buildings or lots for purposes of this calculation.

31 (3) Each single lot shall be at least 1,500 square feet in area.

32 (4) Lots in subdivisions and short subdivisions created under the provisions of this
33 section shall have a maximum lot coverage of 55%.

34 (5) There is no minimum lot width.

35 (6) Attached single family dwellings have no required setback from the abutting lot
36 line.

37 (7) Setbacks from other lot lines shall be;

38 (a) Five feet from side and rear lot lines, except buildings taller than 30 feet in the
39 R-7,200 zone shall be set back consistent with SCC 30.23.310.

1 (b) Fifteen feet from right-of-way and private roads, except garages must be set
2 back 18 feet from right-of-way (with the exception of alleys) or private roads and corner
3 lots may reduce the right-of-way setback to no less than 10 feet.
4

5 **Section 5.** Snohomish County Code Section 30.41A.240, last amended by
6 [Ordinance to Accompanying Council Amended Motion 23-542] on ____, ____ 2024, is
7 amended to read:
8

9 **30.41A.240 Design standards – other reductions to minimum lot area.**

10 The minimum lot size within a residential subdivision may be reduced below the size
11 required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and
12 chapter 30.42B SCC, and chapter 30.41C SCC.
13

14 **Section 6.** Snohomish County Code Section 30.41B.200, last amended by
15 [Ordinance to Accompanying Council Amended Motion 23-542] on ____, ____ 2024, is
16 amended to read:
17

18 **30.41B.200 Design standards.**

19 The following design standards shall be met, unless a modification is specifically
20 provided for:

21 (1) Each lot shall contain sufficient square footage to meet minimum zoning and
22 health requirements, provided that the minimum lot size within a short subdivision may
23 be reduced below the size required by applicable zoning through the attached single
24 family dwelling, lot size averaging, planned residential development, or rural cluster
25 subdivision provisions of this title;

26 (2) Each new lot shall have an accessible area suitable for construction pursuant to
27 SCC 30.41A.235;

28 (3) Short subdivisions located in special flood hazard areas shall comply with the
29 provisions of SCC 30.65.110(3);

30 (4) Roads and access shall be provided in accordance with the requirements in
31 chapter 30.24 SCC;

32 (5) All short subdivisions shall meet the applicable tree retention and landscaping
33 requirements of chapter 30.25 SCC; and

34 (6) All short subdivisions shall comply with the provisions of chapter 30.63A SCC,
35 including the requirement to use low impact development best management practices
36 as directed by the Drainage Manual.
37
38

1 ATTEST:

2

3

4

5

6 Approved as to form only:

7

8

9 Deputy Prosecuting Attorney



Planning and Community Development

Ryan Countryman

Council Initiated:

Yes

No

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.2.001

FILE Ord 24-061

ECAF: 2024-1414

Ordinance: 24-061

Type:

Contract

Board Appt.

Code Amendment

Budget Action

Other

Requested Handling:

Normal

Expedite

Urgent

Fund Source:

General Fund

Other

N/A

Executive Rec:

Approve

Do Not Approve

N/A

Approved as to

Form:

Yes

No

N/A

Subject: Code Amendment – Attached Single Family Dwellings.

Scope: Ordinance 24-061 would facilitate development of attached single family dwellings, adding a new Section 30.23.270 to, and amending Sections 30.41A.240, 30.41B.200, and 30.91D.515 of the Snohomish County Code.

Duration: N/A

Fiscal Impact: Current Year Multi-Year **N/A**

Authority Granted: None

Background:

Ordinance 24-061 contains recommendations from the Planning Commission and Executive Branch on an ordinance referred to them by Council Motion 23-539. Councilmember Nehring proposed changes to attached single family dwelling provisions in an ordinance attached to Motion 23-539. The Council discussed these on December 5, 2023, in Planning and Community Development Committee, and again on December 13, 2023, and January 3, 2024, in General Legislative Session. Apart from some minor rephrasing for technical reasons, Ordinance 24-061 is substantively the same as what the Council referred to the Planning Commission.

County code allows duplexes on most lots in urban areas, but current code provisions prevent subdivision of many of the allowed duplex configurations. Instead, sale of duplex halves requires converting the units to condominiums first. SCC 30.91D.515 defines a duplex where each half has its own lot as being two “attached single family dwellings”.

Ord. 24-061 would allow subdivision of attached single family dwellings at the same density as currently allowed for subdivisions where each lot has a duplex. The main changes are in the proposed new section SCC 30.23.270. This section considers each building with two attached single-family dwellings as one building site and then allowing building sites with two units to have two lots. Other provisions in SCC 30.23.270 would mirror advantages often provided by other code sections such as the 55% lot coverage allowed for single family detached and duplex homes in subdivisions using lot size averaging. Developments using SCC 30.23.270 could mix detached and attached homes.

Ord. 24-061 would add a reference to SCC 30.23.270 in SCC 30.41B.200. Ordinance 24-058 would also amend SCC 30.41B.200 and has phrasing that assumes its adoption happens first. If that does not happen, then Ord. 24-061 would need a technical amendment to remove the language proposed in Ord. 24-058.

Details are in the [council staff report to the Planning Commission dated January 8, 2024](#), available at the link and in the agenda package.

Request: Move Ordinance 24-061 to General Legislative Session to set date and time for a hearing. Suggested: August 14, 2024, at 10:30 am.



Snohomish County Council

To: Snohomish County Planning Commission

From: Snohomish County Council
Ryan Countryman, Senior Legislative Analyst

Report Date: January 8, 2024

Briefing Date: January 23, 2024

Subject: Staff Report on Proposed Changes for Attached Single Family Dwellings

Introduction

By [Motion 23-539](#), the Snohomish County Council is requesting review and recommendation by the Planning Commission on proposed code amendments relating to Attached Single Family Dwellings. County Council staff is providing this staff report to the Planning Commission for a briefing on January 23, 2024. The Planning Commission could potentially hold its public hearing on February 27, 2024.

Background

Attached Single Family Dwellings are buildings with two units and already have some provisions in Snohomish County Code (SCC). The key difference from a duplex is that a lot line subdivides attached single family dwellings whereas a duplex is two units on a single lot. [SCC 30.91D.515](#) currently provides the following definition:

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached units in which each unit extends from foundation to roof and with open space on at least two sides and which is developed as a zero lot line development. This term does not include duplex.

Snohomish County Code already duplexes on most lots with urban residential zoning. Before Amended Ordinance 16-044 (Ord. 16-044) went into effect on September 12, 2016, approval of a duplex usually required a lot to be 1.5 times the standard minimum lot size. Following Ord 16-044, most urban lots are eligible for duplexes regardless of lot size.

Minimum lot size requirements prevent the drawing of lot lines through many duplexes to reclassify those duplexes as two attached single family units on two lots. Instead, most developers sell each duplex half as a condominium. Although such condos appear subdivided in many ways, each unit technically owns a 50% share in the overall site rather than having 100%

ownership of the land allotted to use by the individual unit. Recording a subdivision with a lot line through a two-unit building makes it two attached single family dwellings rather than a duplex.

The proposed ordinance would allow subdivision of duplexes in urban zones in many scenarios that currently allow for construction but not subdivision. Financing for construction and for purchasing of condos is more complicated than financing for homes that have their own lot. Complications with financing can increase the eventual cost of housing.

The idea to allow subdivision of more duplexes – or attached single family dwellings – comes from the “Opening Doors to Home Ownership” housing panel discussions sponsored by County Councilmember Nate Nehring from January 17, 2023, to April 18, 2023. The County Council passed Motion 23-539 referring the proposed amendments to the Planning Commission on January 3, 2024. The referral motion uses the word “housing” because it was in the context of a discussion on housing affordability. This staff report and the proposed amendments use the word “dwelling” for consistency with code.

Proposed Ordinance

This ordinance would allow subdivision of attached single family dwellings at nearly the same density as currently allowed for subdivisions with a duplex on each lot.

Ordinance Sections 1 to 3 include findings and conclusions to support the substantive changes in later sections.

Ordinance Section 4 includes the main changes in a proposed a new code section SCC 30.23.270. This new section has introductory text describing applicability and seven subsections (1) to (7) with substantive changes. The proposed heading and introductory text are:

30.23.270 Attached Single Family Dwellings

In urban zones, a subdivision or short subdivision that includes attached single family dwellings may meet the lot yield and bulk regulations for the zone in which it is located as provided for in this section. Such subdivisions or short subdivisions may also include detached single family dwellings and accessory dwelling units located on lots containing a principal unit.¹

¹ Development using this section must include at least one building with two attached single family dwellings on two lots. Single family dwellings are also allowed but these would receive only one lot. Accessory dwelling units are also allowed but these must be on the same lot as the principal unit. The Legislature enacted the phrase “principal unit” in the context of Accessory Dwelling Units (ADU) at [RCW 36.70A.696\(10\)](#) as part of [Engrossed House Bill 1337](#) (EHB 1337). Single family dwellings, whether attached or detached, can both have ADUs on the same lot.

Subsection (1) considers each building with two side-by-side units as one building site. Subsection (2) then allows each such building site to have two lots.² These proposed subsections are:

- (1) Building site yield shall be an interim calculation before determining lot yield and shall be computed as follows:
 - (a) Determine area of the site in square feet;
 - (b) Divide the area of the site by the minimum lot area for the zone in Table 30.23.032;
 - (c) The resulting quotient is the number of potential building sites; and
 - (d) The maximum number of building sites shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.
- (2) When converting building sites into proposed lots;
 - (a) Buildings with two single family attached dwellings count as one building;
 - (b) Single family dwellings (detached) count as one building; and
 - (c) Accessory dwelling units, whether attached or detached, are not principal units under RCW 36.70A.696(10) and therefore do not count as proposed buildings or lots for purposes of this calculation.

Subsection (3) provides a minimum lot size of 1,500 square feet as follows:³

- (3) Each single lot shall be at least 1,500 square feet in area;

Subsection (4) would allow a 55% maximum lot coverage.⁴

- (4) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55%;

Subsection (5) provides that there is no minimum lot width.⁵

- (5) There is no minimum lot width;

² Accessory dwelling units do not receive their own lots. See proposed SCC 30.23.270(2)(c).

³ SCC 30.23.210(8)(a) allows subdivisions with urban zoning to use lot size averaging to lots as small as 3,000 square feet. After Ord. 16-044 went into effect, developers began placing duplexes on these smaller lots and then recording those duplexes as condominiums for sale. The proposed minimum lot size of 1,500 square feet for attached single family dwellings is based on subdividing a 3,000 square foot duplex lot in two.

⁴ Maximum lot coverage varies by zone and type of development. Urban residential zones allow a basic maximum lot coverage that ranges from 35% in R-9,600, R-8,400, and R-7,200 to 50% in LDMR zoning. Applicants can increase this to 55% using provisions for lot size averaging or planned residential development techniques. Proposed SCC 30.23.270(4) matches these other ways to achieve a 55% maximum lot coverage.

⁵ Minimum lot width varies by zone and type of development. Basic minimum widths range from 70 feet in R-9,600 zoning to 60 feet in LDMR zoning. Applicants can currently reduce this 40 feet regardless of zone by using lot size averaging (SCC 30.23.210(8)(c)(i)). In a planned residential development, there is no minimum lot width requirement (SCC 30.42B.145(2)). Proposed SCC 30.23.270(5) matches the PRD standard.

Subsection (6) allows attached single family dwellings to have no setback from the abutting lot line.

(6) Attached single family dwellings have no setback from the abutting lot line;

Subsection (7) provides other setbacks:

(7) Setbacks from other lot lines shall be;

- (a) Five feet from side and rear lot lines, except for buildings taller than 30 feet in the R-7,200 zone which shall be set back consistent with SCC 30.23.310.
- (b) Fifteen feet from right-of-way and private roads, except that garages must be set back 18 feet from right-of-way (with the exception of alleys) or private roads and corner lots may reduce the right-of-way setback to no less than 10 feet.

Ordinance Section 5 would amend SCC 30.41A.240 with to add a reference to the proposed new section 30.23.270 since that new section would provide a way for subdivisions to include lots smaller than the standard minimum lot size.⁶

30.41A.240 Design standards – other reductions to minimum lot area.

The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and chapter 30.42B SCC and chapter 30.41C SCC.

Ordinance Section 6 would amend SCC 30.41B.200 to include a reference to proposed new section SCC 30.23.270. SCC 30.41B.200 addresses design standards for short subdivisions. As with the previous section, the separate lot size averaging proposal accompanying Council Motion 23-542 would change references in SCC 30.41B.200. Exact phrasing on final ordinances may need adjustments based on sequencing of potential adoption. The relevant part of SCC 30.41B.200 would include the following:

30.41B.200 Design standards.

The following design standards shall be met, unless a modification is specifically provided for:

- (1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning through the attached single family

⁶ In a separate but related action, Council Motion 23-542 referred potential changes regarding Lot Size Averaging to the Planning Commission for review and recommendation. The ordinance accompanying that motion would also amend SCC 30.41.240. The current phrasing shown here assumes adoption of the LSA changes before adoption of this proposal for attached single family dwellings. That sequence and associated phrasing in the ordinance could change in the final ordinances for council consideration. The errata sheets attached to both staff reports document differences in phrasing between what was before the County Council and what is before the Planning Commission.

dwelling, lot size averaging, planned residential development or rural cluster subdivision provisions of this title;

Ordinance Section 7 would amend the definition of Single Family Dwelling, Attached, in SCC 30.91D.515. Replacing the word “developed” with “configured” helps to clarify that an existing duplex may be subdivided after the fact and thus reconfiguring it to be two attached single family dwellings on two lots rather than a duplex on one lot. The proposed amendment reads:

30.91D.515 Dwelling, single family attached

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached units in which each unit extends from foundation to roof and with open space on at least two sides and which is (~~developed~~) configured as a zero lot line development. This term does not include duplex.

Ordinance Section 8 is a standard severability and savings clause.

Examples of Possible Use

This section provides two examples of possible uses of the proposed ordinance. Both are duplex developments where sale of individual units was by condominium because current provisions did not allow each duplex half to have its own lot. Each example also includes identification of some minor design differences that would result from existing codes.

Example 1 – Single Duplex.

2nd Drive Condominium is a 2-unit duplex condo on a 14,238 square foot site⁷ (Project File Number (PFN) 2000-104054 RK). The applicable zoning is R-7,200. Code allows duplexes on lots of any size in R-7,200. [SCC 30.23.032](#) sets the standard minimum lot size for new lots at 7,200 square feet. Hence, a site typically needs to have 14,400 square feet for subdivision into two lots. 2nd Drive Condominium is ineligible for subdivision because it is 162 square feet short of being able to subdivide.⁸ To sell the units separately, the building had to be condominiumized. Figure 1 (next page) shows the configuration of the limited common elements in the condominium plat for the two units.

⁷ Unit A (6,869 square feet) + Unit B (7,369 sq ft) = 14,238 sf ft total.

⁸ Figure 1 includes surveyor’s notes about an earlier the transfer of a 1-foot strip of land along the north property line to the adjacent owner. This resolved a boundary encroachment created by a fence not being located exactly on the property line. In the context of the proposed ordinance, it is worth noting that before giving up this land, the parent parcel for 2nd Drive Condominium still would have still been too small to subdivide, but by only 11 square feet.

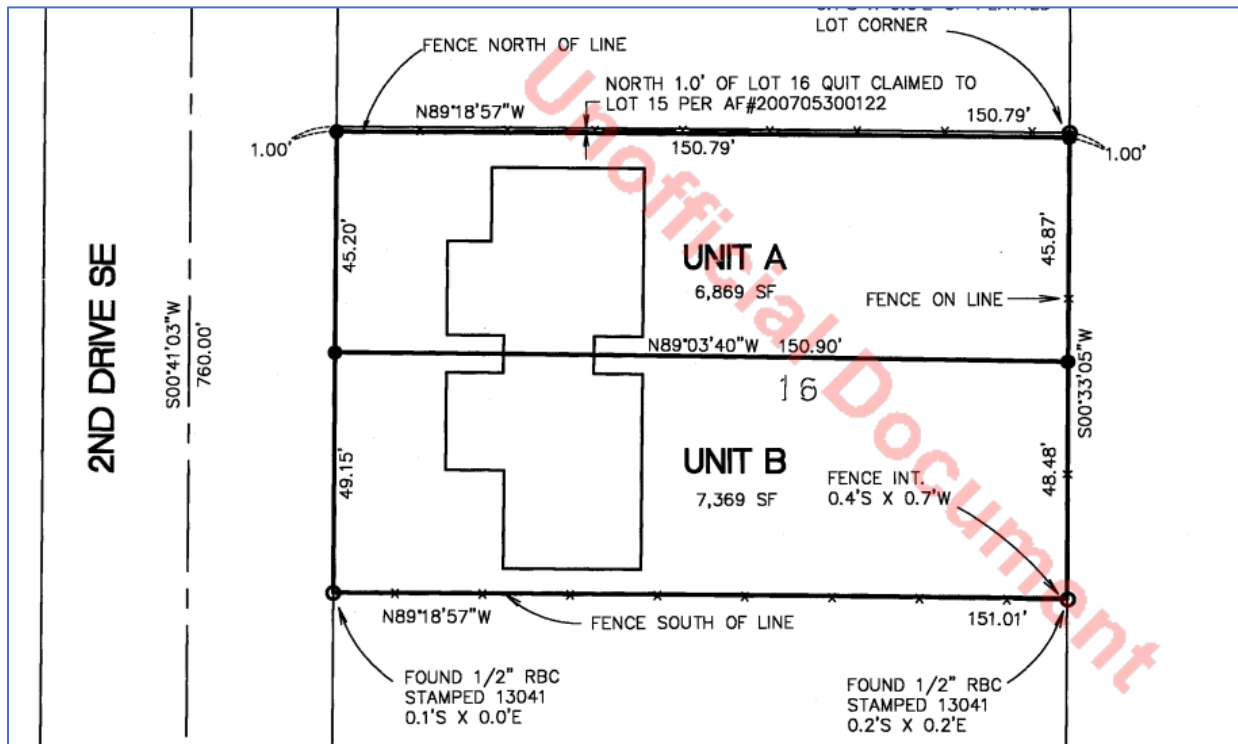


Figure 1 – Configuration of 2nd Drive Condominium (AFN 200706295005)

Effect of Ordinance: The two condominium units in the 2nd Drive Condominium could have become two lots by short subdivision under the proposed ordinance and new section SCC 30.23.270. Subsection (1) would have considered a two-unit building on this parcel to be one building site. Subsection (2) would have allowed that building site to become two parcels. Subsection (3) would have provided the necessary relief to minimum lot size. Subsection (4) would have provided the necessary relief to minimum lot width (the standard minimum lot width in R-7,200 zoning is 60 feet per [SCC Table 30.23.032](#)).

Design Differences: Building permits for individual duplexes do not need to provide frontage improvements (road widening and sidewalks) or to show tree canopy for approval. Subdivisions must meet current frontage standards and provide tree canopy. Permitting for the 2nd Drive Condo was on an existing lot that pre-dated current frontage standards and tree canopy requirements. Recording it as a condominium did not require frontage improvements or tree planting. Under the proposed code allowing subdivision, existing provisions requiring frontage improvements and tree canopy would apply. These design differences would apply to both when configuring an existing duplex as two attached dwelling units and for new permits for a two unit building and concurrent subdivision.

Frontage requirements originate in state subdivision requirements in Chapter 58.17 RCW that require “safe walking conditions for students”. Approval of subdivision of duplexes on older lots without frontage improvements may thus be contingent on adding frontage improvements. Such frontage improvements are not a requirement if the sale of units was as a condos.

Existing tree canopy codes do not require duplexes on pre-existing lots to provide tree canopy. However, 2-lot short subdivisions must provide 20% tree canopy per [SCC Table 30.25.016\(3\)](#).

The 20% tree canopy may involve preservation of existing trees or planting of new trees projected to meet the coverage requirement in 20 years. Buildings permitted as duplexes on lots that pre-date tree canopy requirements could record as condos without planting new trees, but subdivision of existing duplexes that lack current trees may require planting of trees as a condition of approval.

Example 2 – Duplexes built on the maximum number of lots.

Quilceda Plat (PFN 2018-152235 SPA) subdivided its site into the maximum number of lots (13) allowed for the property size and zoning using lot size averaging provisions. The developer put a duplex on each lot, for a total of 26 units. Since the subdivision reached the maximum number of lots, sale of individual units required the additional step of recording the entire development as Quilceda Estates Condominium to sell the units. Figure 2 shows the layout for the subdivision (plat) next to condominium layout.

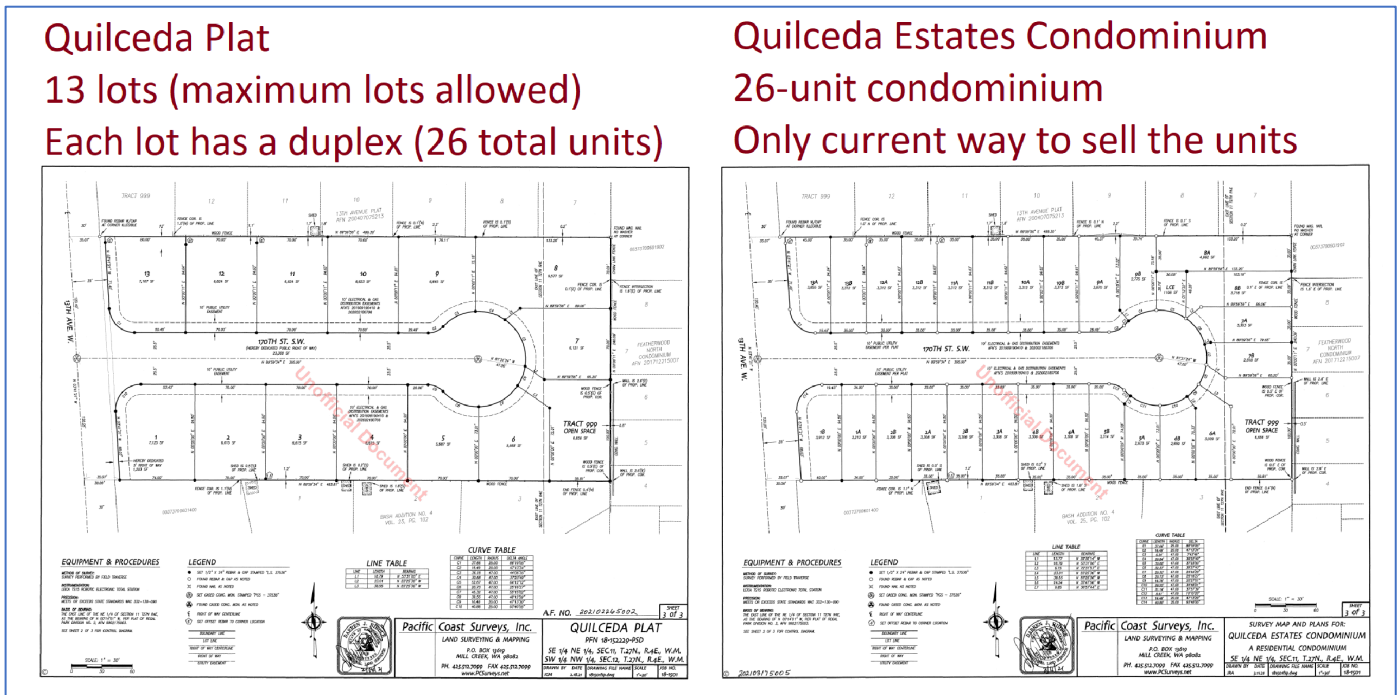


Figure 2 – Quilceda Plat (AFN 202102265002) and Quilceda Estates Condominium (AFN 202103175005)

Effect of Ordinance: The proposed new section SCC 30.23.270 would have allowed 13 building sites and then allowed each building site to become two lots for the same overall 26-unit project. Proposed SCC 30.23.270 also includes the necessary provisions for relief on minimum lot size, minimum lot width, and permitted lot coverage to allow this exact lot layout. Permitting and recording of Quilceda could have taken place in a single stage leading to recording as a 26-lot subdivision rather than as a two-stage project starting with recoding of a subdivision followed by re-recording as a condominium.

Design Difference: The only identified difference besides ownership structure may involve tree canopy. [SCC Table 30.25.016\(3\)](#) requires 20% tree canopy for subdivisions less than four lots,

25% for subdivisions with four to nine lots, and 30% for subdivisions with 10 or more lots. In the Quilceda example, going from 13 to 26 lots would still have a 30% tree canopy requirement. However, smaller projects could have different canopy requirements. For example, a development with three duplexes (or six attached single-family lots) would need to have 20% tree canopy as duplexes but 25% canopy as attached single family lots. Projects that would already have at least 10 lots under current code would have no change in tree canopy.

Policy Analysis

The attached single family dwelling proposal seeks to help address housing affordability.

In 2021, the Legislature passed Engrossed Second Substitute House Bill 1220 (ESSB 1220), which among other changes strengthened the Growth Management Act (GMA) Goal 4 related to housing. ESSB 1220 went from “Encourage the availability of affordable housing to all economic segments of the population” to “Plan for and accommodate housing affordable to all economic segments of the population”.

In 2023, the Legislature also enacted Engrossed Substitute House Bill 1110 (ESSB 1110), which included a finding that states:

Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations [...] innovative housing policies will need to be adopted. Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021 [ESSB 1220]. There is continued need for the development of housing at all income levels, including **middle housing** [...] (bolding added)

ESSB 1110 also enacted a new definition of Middle Housing in the GMA that says that such housing is “compatible in scale, form, and character with single-family houses and contain[s] two or more attached, stacked, or clustered homes **including duplexes**” and other housing types listed in [RCW 36.70A.030\(26\)](#).

Duplexes are a form of middle housing under RCW 36.70A.030(26). The Legislature found that encouraging such middle housing options is critical to addressing state-level housing goals.

Snohomish County Code contemplates single family attached dwellings as being a type of duplex in the sense of ESSB 1110, but where each half has its own lot. In some situations, Snohomish County Code allows construction of duplexes, but requirements related to minimum lot size prevents subdivision of the building into two lots. This creates a situation where the only way to sell units in a duplex is to convert those units to condominiums. The proposed ordinance would allow and encourage more development of attached single family dwellings to help address state housing goals and need for more middle housing.

Snohomish County's General Policy Plan (GPP) contains policies regarding land use and housing that are also relevant. These include the following policies:

- LU 2.A.5. Within UGAs, alternatives to standard single family designs such as zero lot line housing and cottages on small lots around a central courtyard, shall be considered in development regulations for residential areas.

- HO 1.B.1 The county shall facilitate affordable home ownership and rental opportunities by promoting an increased supply of safe and healthy lower-cost housing types, such as housing on small lots, townhouses, multiplexes, manufactured housing, mobile homes, and mixed-use housing.

Attached single family dwellings are a type of zero-lot line development as identified in policy LU 2.A.5. The proposed ordinance would add another alternative to standard single family designs, helping further the policy objective. In doing so, the county would also be facilitating development of more affordable home ownership options by allowing for more attached single family dwellings on small lots as called for by policy HO 1.B.1.

Procedural

Environmental Review

A State Environmental Policy Act Checklist and a threshold determination will be issued prior to County Council consideration.

Notification of State Agencies

Pursuant to RCW 36.70A.106, county staff will transmit a notice of intent to adopt the proposed regulations and standards to the Washington State Department of Commerce at least 60 days prior to a public hearing held by the County Council.

Action Requested

Council Motion 23-539 requests that Planning Commission hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council by May 27, 2024. The Planning Commission can recommend approval of the proposed ordinance with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Manager
Michael Dobesh, PDS Manager

Attachment: Errata Changes

Attachment A: Errata Changes

The ordinance accompanying the January 8, 2024, memo from Council Staff to the Planning Commission includes some minor corrections and clarifications made since the December 5, 2023, County Council discussion draft of the ordinance.

Page 1, Line 11, inserting a missing reference to the title of the ordinance [and the same change to the footer on all pages]:

RELATING TO GROWTH MANAGEMENT; FACILITATING ATTACHED SINGLE-FAMILY HOUSING;
ADDING A NEW SECTION 30.23.270 AND AMENDING SECTIONS 30.41A.240, 30.41B.200 AND
30.91D.515 OF THE SNOHOMISH COUNTY CODE

Page 1, Line 19, adding a missing bill number in the parenthesis:

Engrossed Second Substitute House Bill 1220 (ESSB 1220)

Page 9, lines 4 to 11, replace text to coordinate with the proposed ordinance accompanying Amended Council Motion 23-542, which would amend the same section (and is assumed to be considered first):

Delete:

Section 5. Snohomish County Code 30.41A.240, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.41A.240 Design standards – ~~((lot size averaging-))~~ other reductions to minimum lot area.
The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and~~((Minimum lot size may also be reduced pursuant to))~~ chapter 30.42B SCC and chapter 30.41C SCC.

Insert:

Section 5. Snohomish County Code 30.41A.240, last amended by [Ordinance to Accompanying Council Amended Motion 23-542] on _____, ____ 2024, is amended to read:

30.41A.240 Design standards – other reductions to minimum lot area.
The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and chapter 30.42B SCC and chapter 30.41C SCC.

Page 9, lines 13 to 24, replace text to coordinate with the proposed ordinance accompanying Amended Council Motion 23-542, which would amend the same section (and is assumed to be considered first):

Delete:

Section 6. Snohomish County Code 30.41B.200, last amended by Amended Ordinance 17-070 on November 1, 2017, is amended to read:

30.41B.200 Design standards.

The following design standards shall be met, unless a modification is specifically provided for:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning (~~((through the lot size averaging provisions of))~~) pursuant to SCC 30.23.210, SCC 30.23.270 or through the planned residential development or rural cluster subdivision provisions of this title;

Insert:

Section 6. Snohomish County Code 30.41B.200, last amended by [Ordinance to Accompanying Council Amended Motion 23-542] on ____, __ 2024, is amended to read:

30.41B.200 Design standards.

The following design standards shall be met, unless a modification is specifically provided for:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning through the attached single family dwelling, lot size averaging, planned residential development or rural cluster subdivision provisions of this title;



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

March 4, 2024

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendations on proposed code amendments related to Attached Single Family Dwellings

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation to amend Snohomish County Code under the proposed Attached Single Family Dwelling ordinance. The Planning Commission had a briefing on this topic on January 23, 2024, and conducted a public hearing and deliberated on February 27, 2024.

The proposed ordinance would allow subdivision of duplexes in urban zones in many scenarios that currently allow for construction but not subdivision.

The Planning Commission did not receive any public comments prior to the February 27 hearing. The hearing was open for public comment, but no one from the public commented at the hearing.

PLANNING COMMISSION RECOMMENDATION

Regarding the ordinance as submitted by staff, Commissioner Sheldon made a **Motion** seconded by Commissioner Campbell, recommending APPROVAL of the proposed ordinance.

VOTE:

9 in favor (*Ash, Busteed, Campbell, Larsen, James, Niemela, Pedersen, Sievers, Sheldon*)


0 opposed

0 abstention

Motion PASSED

This recommendation was made following the close of the public hearing and after due consideration of information presented. It is based on the findings and conclusions presented in the January 23, 2024, staff briefing and as supported by the Staff Report dated January 8, 2024.

Respectfully submitted,


[Robert Larsen \(Mar 4, 2024 17:48 PST\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chair

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 24-061, relating to Growth Management; facilitating attached single-family housing; adding a new Section 30.23.270 to and amending Sections 30.41A.240, 30.41B.200, and 30.91D.515 of the Snohomish County Code

..body

DEPARTMENT: Council

ORIGINATOR: Ryan Countryman for Nate Nehring

EXECUTIVE RECOMMENDATION: Approved

PURPOSE: This ordinance relates to attached single family dwellings, which are duplexes that have been subdivided. It adds a new section on the attached SFRs and makes other changes so that they may be developed as fee simple lots instead of as condos.

BACKGROUND: This ordinance was referred to the Planning Commission by Council Motion 23-539. The Planning Commission and Executive branch both recommend approval.

OTHER DEPARTMENTAL REVIEW/COMMENTS: [Click or tap here to enter text.](#)

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 23-539

REFERRING PROPOSED CODE AMENDMENTS RELATING TO ATTACHED SINGLE
FAMILY HOUSING TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT
SERVICES AND THE SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding proposed code amendments related to attached single family housing; and

WHEREAS, the code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the Planning Commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests a prompt review of the proposed code amendments by the Planning Commission, but wishes to provide flexibility in timing in recognition of the Planning Commission's existing workload; and

WHEREAS, the subject matter experts in PDS and other county departments could offer suggestions to proposed code language and findings; and

WHEREAS, the logical time for input from county departments would be prior County Council receipt of to an approved as to form recommendation from the Planning Commission; and

NOW, THEREFORE ON MOTION, the County Council hereby refers the potential code revisions, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.

2. As provided in SCC 30.73.045, the County Council will be the department responsible for preparing a report summarizing the proposal for transmittal to the Planning Commission and that Council staff is hereby directed to seek and include information from county departments including PDS in the report to Planning Commission.
3. The County Council requests that a public hearing be held before the Planning Commission and a recommendation be provided to the County Council prior to May 27, 2024.


DATED this 3rd day of January, 2024.

SNOHOMISHCOUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Deputy Clerk of the Council

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ATTACHED SINGLE FAMILY HOUSING**

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-

RELATING TO GROWTH MANAGEMENT; FACILITATING ATTACHED SINGLE-FAMILY HOUSING; ADDING A NEW SECTION 30.23.270 AND AMENDING SECTIONS 30.41A.240 AND 30.91D.515 OF THE SNOHOMISH COUNTY CODE

WHEREAS, the Growth Management Act (GMA), chapter 36.70A RCW, establishes planning goals to guide development and adoption of comprehensive plans and development regulations for those counties and cities planning under the GMA, including Goal 4 related to housing (RCW 36.70A.020(4)); and

WHEREAS, the Washington State Legislature substantially amended the GMA housing goal by passing Engrossed Second Substitute House Bill 1220 (ESSB), effective July 25, 2021, and which among other changes strengthened the goal from “Encourage the availability of affordable housing to all economic segments of the population” to “Plan for and accommodate housing affordable to all economic segments of the population”; and

WHEREAS, in 2023, the Legislature passed Engrossed Second Substitute House Bill 1110 (ESSB 1110), effective July 23, 2023, which, among other things, included a finding that states

Washington is facing an unprecedented housing crisis for its current population and a lack of housing choices, and is not likely to meet the affordability goals for future populations [...] innovative housing policies will need to be adopted. Increasing housing options that are more affordable to various income levels is critical to achieving the state's housing goals, including those codified by the legislature under chapter 254, Laws of 2021 [ESSB 1220]. There is continued need for the development of housing at all income levels, including middle housing [...]

WHEREAS, the ESSB 1110 also enacted a new definition of Middle Housing in the GMA that says that such housing is “compatible in scale, form, and character with single-family houses and contain[s] two or more attached, stacked, or clustered homes including duplexes” and other housing types listed in RCW 36.70A.030(26); and

WHEREAS, the GMA requires Snohomish County (the “County”) to adopt a comprehensive plan and implementing codes and regulations related to land use and development within the County’s jurisdiction that are consistent with the comprehensive plan; and

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ATTACHED SINGLE FAMILY HOUSING**

WHEREAS, the County’s Growth Management Act Comprehensive Plan (GMACP) includes the General Policy Plan (GPP) which contains policies that guide the codes and regulations adopted in Title 30 of Snohomish County Code (“Title 30 SCC”); and

WHEREAS, historically, county code allowed duplexes in urban single family residential zones with a requirement that the minimum lot size for lots with duplexes needed to be one-half times the minimum lot size for single family dwellings; however, this changed for the R-8,400, R-9,600 and R-7,200 zones with adoption on Amendment Ordinance 16-044 on August 31, 2016, which removed the one and one-half times the minimum lot size requirement for duplexes; and

WHEREAS, the County Council concurs with the findings of the Legislature that Snohomish County is experiencing a housing affordability crisis and that code amendments to allow more middle housing and ownership options can be part of the solution; and

WHEREAS, duplexes are a form of Middle Housing under RCW 36.70A.030(26); and

WHEREAS, encouraging duplex development can help address the housing affordability crisis; and

WHEREAS, in some situations, Snohomish County Code allows construction of duplexes, but requirements related to minimum lot size prevents subdivision of the building into two lots, thereby creating a situation where the only way to sell units in a duplex is to convert those units to condominiums; and

WHEREAS, Snohomish County Code contemplates single family attached dwellings as being a type of duplex where each half has its own lot; and

WHEREAS, the Snohomish County Council held a series of panel discussions titled “Opening Doors to Home Ownership” on January 17, February 21, March 21, and April 18, 2023, and during the fourth session discussed changing subdivision codes to allow sale of each duplex half as a separate fee simple lot in situations where sales of those same units can only happen only as condos today; and

WHEREAS, a duplex configured so that each half is on its own lot would be the same thing as two single family attached dwellings under Snohomish County Code; and

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ATTACHED SINGLE FAMILY HOUSING**

WHEREAS, County Council staff briefed the Planning Commission on [REDACTED], 2024; and

WHEREAS, on [REDACTED], 2024, the Planning Commission held a public hearing to receive public testimony concerning the code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning Commission recommended adoption of the code amendments contained in this ordinance; and

WHEREAS, on [REDACTED], 2024, the County Council held a public hearing after proper notice, and considered public comment and the entire record related to the code amendments contained in this ordinance; and

WHEREAS, following the public hearing, the County Council deliberated on the code amendments contained in this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the following findings in support of this ordinance:

- A. The foregoing recitals are adopted as findings as if set forth in full herein.

- B. This ordinance will amend provisions in title 30 SCC to update regulations related to development of attached single family dwellings. In particular, the amendments will allow creation of subdivided lots in urban zoning where code allows those physical duplex configurations but without subdivision that would meet the County’s definition of attached single family dwelling. This ordinance will also update the definition of single-family attached dwelling to clarify that the distinction between side-by-side duplex units and attached single family is the configuration for ownership purposes, rather than a reflection of the development process.

- C. In considering the proposed amendments, the county evaluated factors including the need to meet GMA mandates to provide housing for all economic segments of the population.

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ATTACHED SINGLE FAMILY HOUSING**

1. Snohomish County is facing an affordable housing crisis and housing stock shortage. The purpose of the proposed amendments is to provide additional means to diversify the County's urban housing stock.
2. The housing authorized by this ordinance would be generally attainable to middle income households for whom increasing multifamily densities does not generally assist and where opportunities to expand the Urban Growth Area to provide ownership opportunities are limited.

D. In considering the proposed amendments, the County considered the goals and standards of the GMA. The proposed amendments are consistent with:

1. GMA Goal 2 – Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

This ordinance provides for infill development on sites urban areas by allowing subdivision of duplexes as attached single family dwellings. This expands the options for how a developer may sell such units, creating incentive to develop such housing. More development of attached single family housing would increase overall housing production. It would also increase urban residential capacity and reduce pressure to convert rural lands to housing.

2. GMA Goal 4 – Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Subdivision for fee simple ownership of attached single family homes will help diversify the housing stock and promote ownership housing affordable to middle income households. The ability to subdivide and sell halves of existing duplexes may help in the preservation of such housing.

E. The proposed amendments will better achieve, comply with, and implement the goals and policies of the Puget Sound Regional Council's Multicounty Planning Policies (MPPs), including the following goals and policies:

1. MPP Housing Goal – The region will preserve, improve, and expand its housing stock to provide a range of affordable, healthy, and safe housing choices to every

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING

resident. The region will continue to promote fair and equal access to housing for all people.

The proposed amendments will help to expand and improve the diversity of the housing stock by reducing regulatory barriers on the construction attached single family housing.

2. MPP-H-1 – Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.

MPP-H-2 – Achieve and sustain — through preservation, rehabilitation, and new development — a sufficient supply of housing to meet the needs of low-income, moderate-income, middle-income, and special needs individuals and households that is equitably and rationally distributed throughout the region.

The proposed amendments will support MPP-H-1 and MPP-H-2 by allowing for the construction of attached homes on subdivided lots that will be generally affordable to middle-income households. These amendments do not inhibit development of other types of necessary housing.

F. The proposed amendments will better achieve, comply with, and implement the Housing Goal of the Countywide Planning Policies (CPPs), which provides: “Snohomish County and its cities will promote an affordable lifestyle where residents have access to safe, affordable, and diverse housing options near their jobs and transportation options.” The proposed amendments will support the housing goal in the CPPs by reducing the regulatory barriers on the construction of attached single family dwellings. This will help to diversify the housing options in urban areas that are close to employment and transportation options.

G. In considering the proposed amendments, the county considered the goals, objectives, and policies of the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan (GPP). The proposed amendments will work to support, implement, and balance the following goals, objectives, and policies in the GPP:

1. Goal LU 1 – Establish and maintain compact, clearly defined, well designed UGAs.

Objective LU 1.A – Establish UGAs with sufficient capacity to accommodate the majority of the county’s projected population, employment, and housing growth over the next 20 years.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING

Policy LU 1.A.9 – Ensure the efficient use of urban land by adopting reasonable measures to increase residential, commercial and industrial capacity within urban growth areas prior to expanding urban growth boundaries. The County Council will use the list of reasonable measures in accordance with the guidelines for review contained in Appendix D of the Countywide Planning Policies to evaluate all UGA boundary expansions.

The amendments proposed by this ordinance would reduce regulatory barriers on the construction of housing in urban areas. This is a reasonable measure that increases residential capacity in UGAs thereby helping accommodate growth and the maintenance of compact UGAs.

2. Objective HO 1.B – Ensure that a broad range of housing types and affordability levels is available in urban and rural areas.

The proposed amendments reduce regulatory barriers on the development of housing in urban areas, supporting the development of a broad range of housing types and affordability. The development of attached single family dwellings on smaller lots will provide different housing types and affordability levels in areas with a lack of affordability.

H. The proposed amendments implement action items in the 2020 Housing Affordability Regional Taskforce report (AKA the HART Report).

1. Action Item 1.A.4 which provides: “Facilitate more efficient deal assembly and development timelines / promote cost effectiveness through consolidation, coordination, and simplification.” By allowing subdivision of attached housing configurations that code already provides for but without subdivision, the proposed amendments will facilitate more deal assembly and development site consolidation by making more financing options available to the developer.
2. Action Item 1.A.6 which provides: “Increase housing variety allowed at a range of affordability levels in single family zones [...] including consideration of zoning for duplex [and other housing types]”. The proposed amendment will comply with action item 1.A.6 by revising Snohomish County regulations to facilitate the construction of more duplexes as attached single family (i.e. subdivided) dwellings.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING

I. Procedural requirements.

1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this non-project action have been satisfied through the completion of an environmental checklist and the issuance on [REDACTED], 2024 of a Determination of Non-Significance (DNS) for this non-project proposal to Amend Title 30 Snohomish County Code (SCC).
2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the Washington State Department of Commerce for distribution to state agencies on [REDACTED], 2024, and assigned material number [REDACTED].
4. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and the SCC.
5. The Washington State Attorney General last issued an advisory memorandum, as required by RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property” to help local governments avoid the unconstitutional taking of private property. The process outlined in the State Attorney General’s 2018 advisory memorandum was used by the County in objectively evaluating the regulatory changes proposed by this ordinance.

Section 2. The County Council makes the following conclusions:

1. The proposed amendments are consistent with the goals, policies, and objectives of the MPPs, CPPs, and GPPs.
2. The proposed amendments are consistent with applicable federal, state, and local laws and regulations.
3. The County has complied with all SEPA requirements with respect to this non-project action.
4. The regulations proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING

Section 3. The County Council bases its findings and conclusions on the entire legislative record, including all testimony and exhibits. Any finding which should be deemed a conclusion, and any conclusion that should be a finding, is hereby adopted as such.

Section 4. A new section is added to chapter 30.23 of the Snohomish County Code to read:

30.23.270 Attached Single Family Dwellings

In urban zones, a subdivision or short subdivision that includes attached single family dwellings may meet the lot yield and bulk regulations for the zone in which it is located as provided for in this section. Such subdivisions or short subdivisions may also include detached single family dwellings and accessory dwelling units located on lots containing a principal unit.

- (1) Building site yield shall be an interim calculation before determining lot yield and shall be computed as follows:
 - (a) Determine area of the site in square feet;
 - (b) Divide the area of the site by the minimum lot area for the zone in Table 30.23.032;
 - (c) The resulting quotient is the number of potential building sites; and
 - (d) The maximum number of building sites shall be determined by rounding up to the next whole unit when a fraction of a unit is equal to five-tenths or greater.
- (2) When converting building sites into proposed lots;
 - (a) Buildings with two single family attached dwellings count as one building;
 - (b) Single family dwellings (detached) count as one building; and
 - (c) Accessory dwelling units, whether attached or detached, are not principal units under RCW 36.70A.696(10) and therefore do not count as proposed buildings or lots for purposes of this calculation.
- (3) Each single lot shall be at least 1,500 square feet in area;
- (4) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55%;
- (5) There is no minimum lot width;
- (6) Attached single family dwellings have no setback from the abutting lot line;
- (7) Setbacks from other lot lines shall be;
 - (a) Five feet from side and rear lot lines, except for buildings taller than 30 feet in the R-7,200 zone which shall be set back consistent with SCC 30.23.310.
 - (b) Fifteen feet from right-of-way and private roads, except that garages must be set back 18 feet from right-of-way (with the exception of alleys) or

EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO ATTACHED SINGLE FAMILY HOUSING

private roads and corner lots may reduce the right-of-way setback to no less than 10 feet.

Section 5. Snohomish County Code 30.41A.240, last amended by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.41A.240 Design standards – ~~((lot size averaging.))~~ other reductions to minimum lot area.

The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210, SCC 30.23.215, SCC 30.23.270, and~~((Minimum lot size may also be reduced pursuant to))~~ chapter 30.42B SCC and chapter 30.41C SCC.

Section 6. Snohomish County Code 30.41B.200, last amended by Amended Ordinance 17-070 on November 1, 2017, is amended to read:

30.41B.200 Design standards.

The following design standards shall be met, unless a modification is specifically provided for:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning ~~((through the lot size averaging provisions of))~~ pursuant to SCC 30.23.210, SCC 30.23.270 or through the planned residential development or rural cluster subdivision provisions of this title;

(2) Each new lot shall have an accessible area suitable for construction pursuant to SCC 30.41A.235;

(3) Short subdivisions located in special flood hazard areas shall comply with the provisions of SCC 30.65.110(3);

(4) Roads and access shall be provided in accordance with the requirements in chapter 30.24 SCC;

(5) All short subdivisions shall meet the applicable tree retention and landscaping requirements of chapter 30.25 SCC; and

(6) All short subdivisions shall comply with the provisions of chapter 30.63A SCC, including the requirement to use low impact development best management practices as directed by the Drainage Manual.

Section 7. Snohomish County Code 30.91D.515, last amended by Amended Ordinance 08-101 on January 21, 2009, is amended to read:

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ATTACHED SINGLE FAMILY HOUSING**

30.91D.515 Dwelling, single family attached

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached units in which each unit extends from foundation to roof and with open space on at least two sides and which is ~~((developed))~~ configured as a zero lot line development. This term does not include duplex.

Section 8. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this ____ day of ____, 2024.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Clerk of the Council

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

County Executive

**EXHIBIT A – PROPOSED CODE REVISIONS RELATED TO
ATTACHED SINGLE FAMILY HOUSING**

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.004

FILE Ord 24-061

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Initiated By:
N Nehring
Councilmember

Introduced By:
N Nehring
Councilmember _____
Date _____

Clerk's Action:

Proposed Ordinance No. _____

Assigned to: _____ Date: _____

STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

___ Move to Council to schedule public hearing on: _____

___ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

N Nehring
Committee Chair

EXHIBIT 3.2.002

Planning & Community Development Committee Meeting – 07/02/24

[Minutes](#) and [Video](#)